

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

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FEDERAL ELECTION COMMISSION
JAN 20 10 17 AM '98

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 97NF-15
DATE ACTIVATED: 11/14/97

Staff Member: Dominique Dillenseger

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Dick Lane for Congress Committee
and Dick Lane, as Treasurer

RELEVANT STATUTES: 2 U.S.C. §§ 434(a)(2)(A)(i) & (iii)
11 C.F.R. §§ 104.5(a)(1)(i) & (iii)

INTERNAL REPORTS CHECKED: Referral Materials
Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on April 18, 1997. The basis for the referral is the failure of Dick Lane for Congress Committee and Dick Lane, as Treasurer, ("Respondents") to timely file two disclosure reports in 1996. Specifically, Respondents failed to timely file their 1996 October Quarterly and 1996 Twelve Day Pre-General Election Reports of Receipts and Disbursements by Election Day, November 5, 1996. The candidate lost the General Election in California's 15th Congressional District with 34.8 percent of the vote.

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II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends that the Federal Election Commission ("Commission") find reason to believe Respondents violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

2025 RELEASE UNDER E.O. 14176

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe Dick Lane for Congress and Dick Lane as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii), and enter into conciliation prior to a finding of probable cause to believe.

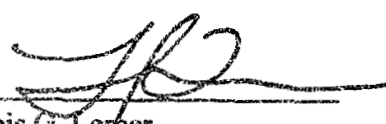
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

1/27/98

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed agreement

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